



HYDRAULIC PROJECT APPROVAL

RCW 77.55.021 - See appeal process at end of HPA

Coastal
48 Devonshire Road
Montesano, WA 98563
(360) 249-4628

Issue Date: December 16, 2013
Project Expiration Date: February 02, 2016

Control Number: 121776-7
FPA/Public Notice #: N/A

<u>PERMITTEE</u>	<u>AUTHORIZED AGENT OR CONTRACTOR</u>
Washington State Department of Transportation ATTENTION: Dave Ziegler PO Box 1928 Aberdeen, WA 98520 206-770-3570	Washington State Department of Transportation ATTENTION: Scott White 600 Stewart St Ste 520 Seattle, WA 98101 206-770-3632

Project Name: SR 520 Pontoon Construction Project

Project Description: Develop a casting basin site in Aberdeen for the construction of floating bridge pontoons, a pontoon moorage site, and a compensatory mitigation area for unavoidable project impacts. 121776-02 incorporates fish handling provisions. 121776-03 modified to include three (3) temporary tide gates to construct access road.

At the request of Chris Cziesla of WSDOT, on November 6, 2013, this Hydraulic Project Approval (HPA) reflects a modification to the timing limitation of maintenance dredging. Maintenance dredging within the footprint of the constructed launch channel shall be allowed any time of year prior to the fourth float out approximately scheduled for April of 2014. No other work below the ordinary high water line is authorized outside of the normal in-water work window listed below.

At the request of Dave Ziegler of WSDOT, on February 25, 2013, this HPA reflects the addition of fish handling and fish resource provisions as described in the approved Fish Handling Plan dated February 21, 2013. Any future revisions to the Fish Handling Plan shall be reviewed and approved by WDFW prior to implementation.

At the request of Dave Ziegler of WSDOT, on February 25, 2013, this HPA reflects a modification to the authorized volume allowed during maintenance dredging. During maintenance dredging operations, no dredging shall occur outside of the constructed launch channel.

PROVISIONS

Pontoon Construction Site:

NOTE: Provisions 1-42 apply to the pontoon construction site.

1. TIMING LIMITATIONS: The project may begin immediately and shall be completed by February 2, 2016, provided:

a. Work below the ordinary high water line shall not occur from March 1 through June 14 of any



Issue Date: December 16, 2013

Control Number: 121776-7

Project Expiration Date: February 02, 2016

FPA/Public Notice #: N/A

year for the protection of migrating juvenile salmonids.

b. Work below the ordinary high water line, limited to maintenance dredging within the footprint of the constructed launch channel is authorized to occur any time of year prior to the fourth float out tentitively to occur in April of 2014 only. No other work below the ordinary high water line is authorized outside of the above work window.

2. NOTIFICATION REQUIREMENT: The permittee or contractor shall notify the Area Habitat Biologist (AHB) listed below FAX (360)224-1229, or email (rehewgr@dfw.wa.gov) of the project start date. Notification shall be received by the AHB prior to the start of construction activities.

3. NOTIFICATION REQUIREMENT: The Enforcement Sergeant listed below shall receive written notification (FAX (360)224-1229 or mail: 48 Devonshire Rd, Montesano WA 98563) from the person to whom this Hydraulic Project Approval (HPA) is issued (permittee) or the agent/contractor no less than three working days prior to start of work, and again within seven days of completion of work to arrange for a compliance inspection. The notification shall include the permittee's name, project location, starting date for work or completion date of work, and the control number for this HPA.

4. PLANS: Work shall be accomplished per plans and specifications approved by the Washington Department of Fish and Wildlife entitled Pontoon Construction Project, Permit Drawings dated 10/10/2010 and Water Quality Monitoring & Protection Plan dated 12/17/2010 or most recent update approved by the WA Dept. of Ecology, and Fish Handling Plan dated 2/21/2013 or most recent update that has been approved by WFDW, except as modified by this Hydraulic Project Approval. A copy of these plans and this HPA shall be available on site during construction.

5. Use of equipment shall be conducted from the landward side of the project or from a barge.

6. Equipment used for this project shall be free of external petroleum-based products while working around the water. Equipment shall be checked daily for leaks and any necessary repairs shall be completed prior to commencing work activities around the water.

OUTFALL INSTALLATION:

7. As specified in the approved plans, seven new storm water outfalls shall be installed. Two in the west ditch, two in the east ditch, and three in the launch channel.

8. The outfall installation shall be accomplished in the dry or in isolation from the ditch flow by the installation of a sandbag revetment or bypass flume, or by pumping the stream flow around the work area.

9. Any device used for diverting water from a fish-bearing stream shall be equipped with a fish guard to prevent passage of fish into the diversion device pursuant to RCW 77.57.010 and 77.57.070. The pump intake shall be screened with 1/8-inch mesh to prevent fish from entering the system. The screened intake shall consist of a facility with enough surface area to ensure that the



HYDRAULIC PROJECT APPROVAL

RCW 77.55.021 - See appeal process at end of HPA

Coastal
48 Devonshire Road
Montesano, WA 98563
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Issue Date: December 16, 2013

Control Number: 121776-7

Project Expiration Date: February 02, 2016

FPA/Public Notice #: N/A

velocity through the screen is less than 0.4 feet per second. Screen maintenance shall be adequate to prevent injury or entrapment to juvenile fish and the screen shall remain in place whenever water is withdrawn from the stream through the pump intake.

10. A sandbag revetment or similar device shall be installed at the downstream end of the bypass to prevent backwater from entering the work area.
11. Quarry spalls used to create splash pads shall be composed of clean, angular material of a sufficient durability and size to prevent its being broken up or washed away by high flow, high water or wave action.
12. Excess sand, gravel, fill, or native materials removed from the site shall be disposed at an upland site such that they do not re-enter surface waters of the state.
13. All earth areas adjacent to the stream that have been exposed or disturbed by this project shall be graded to a stable grade, seeded with a suitable erosion control seed mix, and protected from erosion with a straw mulch or equivalent within seven (7) days of project completion.
14. All energy dissipation devices and pipeline outfalls shall be free of obstructions for the life of the project to ensure proper functioning of the storm water system. The outfall structure shall be maintained or repaired to prevent the entry of fish.
15. Prior to releasing the water flow to the project area, all bank protection or armoring shall be completed.
16. Upon completion of the project, all material used in the temporary sandbag revetment or bypass shall be removed from the site and the site returned to preproject or improved conditions.
17. As agreed upon in the email entitled HPA Revised conditions and additional information, dated 1/17/2011; all conservation measures and BMPs outlined in Water Quality Monitoring & Protection Plan dated 12/17/2010 and all debris and garbage shall be removed from the west and east ditches and deposited in an appropriate upland facility as mitigation for installing the two storm water outfalls in the west ditch before the authorized work window. The limits of the onetime cleanup will run the length of the ditch along the property line, except that both sides of the ditch will have trash removed (even where they are in outside the property line).

INFRASTRUCTURE INSTALLATION:

18. The approximately 750 linear feet of temporary steel sheet pile shall be installed "in the dry" and with a vibratory hammer. Upon completion of the project, all material used in the temporary sheet pile structures shall be removed from the site.
19. As specified in the JARPA, in-board piling and rip rap, pre-assembled gate, bulkhead walls and the trestle shall be installed 'in the dry'.

Issue Date: December 16, 2013

Control Number: 121776-7

Project Expiration Date: February 02, 2016

FPA/Public Notice #: N/A

20. If concrete is poured onsite, wet concrete shall be prevented from entering waters of the state. Forms for any concrete structure shall be constructed to prevent leaching of wet concrete. Forms and impervious materials shall remain in place until the concrete is cured.

21. All treated lumber to be used for the project shall meet or exceed the standards established in 'Best Management Practices For the Use of Treated Wood in Aquatic and Other Sensitive Environments' developed by the Western Wood Preservers Institute, Wood Preservation Canada, Southern Pressure Treaters' Association, and Timber Piling Council, dated August 1, 2006, and any current amendments or addenda to it. Current amendments and addenda include but may not be limited to 'Amendment #1: CCA 'Chromated Copper Arsenate', dated October 25, 2006; and 'Addendum #1: ACC 'Acid Chromated Copper', dated February 28, 2007.

22. Sawdust, drillings, and trimmings from treated wood or plastic shall be contained with tarps or other impervious materials and prevented from contact with the beach, bed or waters of the state.

23. Under no circumstances shall creosote treated piling or lumber be used for project construction.

REMOVAL OF EXISTING WOOD PILES:

24. As specified in the JARPA, approximately 32 existing wood piles shall be removed from the launch channel area before dredging. A vibratory hammer shall be used to remove piling from the bed. In the event that the piles cannot be completely removed then the remainder of the pile shall be removed with a clamshell bucket, chain, or similar means, or cut off 2 ft below the mudline and the holes filled in with clean material.

25. If any of the existing wood piles are creosote, a containment booms and absorbent sausage booms (or other oil absorbent fabric) shall be placed around the perimeter of the work area to capture wood debris, oil, and other materials released into marine waters as a result of construction activities. All accumulated debris shall be collected and disposed upland at an approved disposal site.

LAUNCH CHANNEL DREDGING:

26. As illustrated in the project plans, approximately 87,000 cubic yards of sand and silt will be initially dredged to create a launch channel approximately 138 feet wide, 430 feet long and 13 feet below MLLW, plus 2-ft allowable over-dredge with 3:1 side slopes.

27. All floatable material resulting from construction activities shall be collected and disposed of upland.

28. All natural habitat features on the beach larger than 12 inches in diameter, including trees, stumps, logs, and large rocks, shall be retained on the beach following construction. These habitat features may be moved during construction if necessary.

29. All existing debris or other deleterious materials resulting from dredging activities shall be

Issue Date: December 16, 2013

Control Number: 121776-7

Project Expiration Date: February 02, 2016

FPA/Public Notice #: N/A

removed and disposed of upland such that it does not enter waters of the state.

30. Dredging shall be conducted with a clamshell dredge. The clamshell shall be operated to minimize turbidity. During excavation, each pass with the clamshell bucket shall be complete.

31. Per plan specifications, dredged materials shall be placed on the barge in a manner that minimizes splashing of sediments. Dropping of sediment from high elevation shall be avoided.

32. Dredged material shall not be stockpiled below the ordinary high water line.

33. As specified in the application, dredged materials shall be disposed at either the Point Chehalis or South Jetty open-water disposal site or another site specified by the Washington Department of Natural Resources and/or the US Army Corps of Engineers.

34. Approximately 18,000 cubic yards of rip rap shall be placed on the side of the launch channel. No rip rap shall be placed on the bottom of the launch channel. Rip rap used for slope protection shall be composed of clean, angular material of a sufficient durability and size to prevent its being broken up or washed away by high water or wave action.

35. Maintenance dredging shall be confined to the existing footprint illustrated in your project plans dated October 2010, except as modified by this Hydraulic Project Approval. Maintenance dredging before each pontoon launch shall remove between 13,000 to 30,000 cubic yards.

INSTALLATION OF IN-WATER PILING:

36. As specified in the application, all piles shall be either steel or untreated wood. Approximately 50 (24 inch diameter) steel piles, two turning dolphins (one 60 inch and two 30 inch steel piles per dolphin), and 10 (untreated wood) navigational markers shall be placed in the launch channel.

37. The use of both a vibratory and impact hammer is authorized under this HPA. If an impact hammer is required to proof or drive steel piles, the following sound attenuation methods shall be required:

a. For steel piles, 10 inches in diameter or less, a 6 inch thick wood block shall be installed between the piling and the impact hammer during pile driving operations or a bubble curtain shall be installed around the pile during pile driving operations.

b. For steel piles greater than 10 inches in diameter, a bubble curtain shall be installed around the pile during pile driving operations.

c. A bubble curtain or other WDFW approved sound attenuation device shall be used for all impact pile-driving activities (including proofing) on steel piles greater than 10-inches in diameter.

WATER QUALITY:

Issue Date: December 16, 2013

Control Number: 121776-7

Project Expiration Date: February 02, 2016

FPA/Public Notice #: N/A

38. If at any time, as a result of project activities, fish are observed in distress, a fish kill occurs, or water quality problems develop (including equipment leaks or spills), immediate notification shall be made to the Washington Military Department's Emergency Management Division at 1-800-258-5990, and to the Area Habitat Biologist listed below.

39. Project activities shall not degrade water quality to the detriment of fish life.

40. Measures shall be taken to ensure that no petroleum products, hydraulic fluid, fresh cement, sediments, sediment-laden water, chemicals, or any other toxic or deleterious materials are allowed to enter or leach into surface waters.

41. Project activities shall be conducted to minimize siltation of the beach area and bed.

42. An emergency spill containment kit must be located on site along with a pollution prevention plan detailing planned fueling, materials storage, and equipment storage. Waste storage areas must be prepared to address prevention and cleanup of accidental spills.

Pontoon Storage Site:

NOTE: Provisions 43-54 apply to the pontoon storage site.

43. **TIMING LIMITATIONS:** The project may begin immediately and shall be completed by February 3, 2016, provided:

a. Work below the ordinary high water line shall not occur from March 1 through June 14 of any year for the protection of migrating juvenile salmonids.

44. **NOTIFICATION REQUIREMENT:** The permittee or contractor shall notify the Area Habitat Biologist (AHB) listed below FAX (360)224-1229, or email (rehewgr@dfw.wa.gov) of the project start date. Notification shall be received by the AHB prior to the start of construction activities.

45. **NOTIFICATION REQUIREMENT:** The Enforcement Sergeant listed below shall receive written notification (FAX (360)224-1229 or mail: 48 Devonshire Rd, Montesano WA 98563) from the person to whom this Hydraulic Project Approval (HPA) is issued (permittee) or the agent/contractor no less than three working days prior to start of work, and again within seven days of completion of work to arrange for a compliance inspection. The notification shall include the permittee's name, project location, starting date for work or completion date of work, and the control number for this HPA.

46. **PLANS:** Work shall be accomplished per plans and specifications approved by the Washington Department of Fish and Wildlife entitled 520 Bridge Grays Harbor Mooring and dated 12/31/2010, except as modified by this Hydraulic Project Approval. A copy of these plans shall be available on site during construction.

47. The mooring buoy shall be deployed at the location indicated on the site plan submitted and



HYDRAULIC PROJECT APPROVAL

RCW 77.55.021 - See appeal process at end of HPA

Coastal
48 Devonshire Road
Montesano, WA 98563
(360) 249-4628

Issue Date: December 16, 2013

Control Number: 121776-7

Project Expiration Date: February 02, 2016

FPA/Public Notice #: N/A

approved by WDFW. The Area Habitat Biologist listed below may approve deployment at a different location than that in the approved plans.

48. The mooring buoy system shall be located to avoid shading impacts from vessels and/or damage from vessel props to eelgrass, kelp, other significant macroalgae species, or Pacific herring spawning.

49. The buoy system shall be installed and used in a manner that will not damage the bed or aquatic vegetation as a result of anchor or chain movement for the life of the buoy system. The anchor chains and under runner lines for each mooring berth shall be pre-tensioned at the time of installation, such that all chains and lines in the system remain above the seabed at low tide.

50. Floatation for the buoy shall be fully enclosed and contained to prevent breakup or loss of floatation material into the water.

WATER QUALITY:

51. If at any time, as a result of project activities, fish are observed in distress, a fish kill occurs, or water quality problems develop (including equipment leaks or spills), immediate notification shall be made to the Washington Military Department's Emergency Management Division at 1-800-258-5990, and to the Area Habitat Biologist listed below.

52. Project activities shall not degrade water quality to the detriment of fish life.

53. Measures shall be taken to ensure that no petroleum products, hydraulic fluid, fresh cement, sediments, sediment-laden water, chemicals, or any other toxic or deleterious materials are allowed to enter or leach into surface waters.

54. Project activities shall be conducted to minimize siltation of the beach area and bed.

NOTE: The mooring buoy should be marked with a Department of Natural Resources issued identification number, or a Washington Department of Fish and Wildlife (WDFW) identification number consisting of the Hydraulic Project Approval (HPA) Control Number followed by WDFW. For example, if the HPA Control Number is 0000566456-01, then the mooring buoy identification number is 566456-01WDFW.

Grass Creek Mitigation Site:

NOTE: Provisions 55-75 apply to the compensatory mitigation site.

55. **TIMING LIMITATIONS:** The project may begin immediately and shall be completed by February 3, 2016, provided:

a. Work below the Mean Higher High Water line shall not occur from March 1 through June 14 of any year for the protection of migrating juvenile salmonids.

Issue Date: December 16, 2013

Control Number: 121776-7

Project Expiration Date: February 02, 2016

FPA/Public Notice #: N/A

56. NOTIFICATION REQUIREMENT: The permittee or contractor shall notify the Area Habitat Biologist (AHB) listed below FAX (360)224-1229, or email (rehewgr@dfw.wa.gov) of the project start date. Notification shall be received by the AHB prior to the start of construction activities.

57. NOTIFICATION REQUIREMENT: The Enforcement Sergeant listed below shall receive written notification (FAX (360)224-1229 or mail: 48 Devonshire Rd, Montesano WA 98563) from the person to whom this Hydraulic Project Approval (HPA) is issued (permittee) or the agent/contractor no less than three working days prior to start of work, and again within seven days of completion of work to arrange for a compliance inspection. The notification shall include the permittee's name, project location, starting date for work or completion date of work, and the control number for this HPA.

58. PLANS: Work shall be accomplished per plans and specifications approved by the Washington Department of Fish and Wildlife entitled Draft Wetland and Aquatic Resources Mitigation Report and dated December 2010, except as modified by this Hydraulic Project Approval. A copy of these plans shall be available on site during construction.

59. As specified in the approved plans, mitigation for unavoidable impacts from the construction of the SR520 pontoon construction site will occur at the Grass Creek mitigation site. Mitigation includes:

- a) removal of approximately 1.1 acres of earthen dike (approximately 2900 linear feet);
- b) creation of approximately 0.62 acres of open mudflats;
- c) rehabilitation of approximately 4.13 acres of degraded tidal channels;
- d) removal of culvert/tide gate structures;
- e) monitor compensatory mitigation area for ten years.

EQUIPMENT:

60. Equipment shall not operate and project activities shall not occur when the project area is inundated by tidal waters.

61. Equipment shall be operated to minimize turbidity. During excavation, each pass with the bucket shall be complete. Excavated material not used to fill in ditches shall not be stockpiled in or near the water.

62. Equipment used for this project shall be free of external petroleum-based products while working around the water. Accumulation of soils or debris shall be removed from the drive mechanisms (wheels, tires, tracks, etc.) and undercarriage of equipment prior to its working below the ordinary high water line. Equipment shall be checked daily for leaks and any necessary repairs shall be completed prior to commencing work activities along the stream.

REMOVAL OF EXISTING STRUCTURES:

Issue Date: December 16, 2013

Control Number: 121776-7

Project Expiration Date: February 02, 2016

FPA/Public Notice #: N/A

63. As specified in the application, the culvert/tide gate structures will be permanently removed and not replaced.

64. Erosion control methods shall be used to prevent silt-laden water from entering the stream. These may include, but are not limited to, straw bales, filter fabric, temporary sediment ponds, check dams of pea gravel-filled burlap bags or other material, and /or immediate mulching of exposed areas.

65. All manmade debris on the beach and bed shall be removed and disposed of upland such that it does not enter waters of the state. Debris includes, but is not limited to, old fences, concrete, asphalt, tires, creosote wood, treated wood, painted wood, metal, cables, wires, plastic, floats, and other synthetic materials. Untreated wood may be left on the bank.

EXCAVATION OF TIDAL CHANNELS/REMOVAL OF DIKE:

66. As specified in the plans entitled TESC details and dated 5/4/2011, three (3) temporary tide gates shall be installed to construct the access road at Grass Creek Mitigation Site. The temporary tide gates and sand bags shall be removed and the area regraded to match the previous conditions within 72 hours of completion of the project.

67. Material removed from the exterior berm shall be used to fill all borrow ditches. Any excess material shall be disposed of upland at an approved site.

68. Disturbance of intertidal wetland vascular plants and mudflat areas shall be minimized to the degree necessary to remove the dike. Use of equipment on the bed shall be limited to that necessary to remove dikes and grade soils to appropriate elevations. All efforts shall be taken to minimize tracking, or leaving impressions in the habitat that cannot be readily effaced by tidal or wave action.

69. Upon completion of the excavation and filling, the borrow ditches shall contain no pits, potholes, or large depressions to strand fish.

HABITAT FEATURES:

70. Alteration or disturbance of the bank and bank vegetation shall be limited to that necessary to construct the project.

71. All natural habitat features on the beach larger than 12 inches in diameter, including stumps, logs, and large rocks, shall be retained on the beach following construction. These habitat features may be moved during construction if necessary.

WATER QUALITY:

72. If at any time, as a result of project activities, fish are observed in distress, a fish kill occurs, or water quality problems develop (including equipment leaks or spills), immediately stop work except



Issue Date: December 16, 2013

Control Number: 121776-7

Project Expiration Date: February 02, 2016

FPA/Public Notice #: N/A

for efforts to control leaks or spills or prevent toxic substances from entering the water and notify the Washington Military Department's Emergency Management Division at 1-800-258-5990, and the Area Habitat Biologist listed below. Work shall not restart on the project until approved by the Area Habitat Biologist.

73. Measures shall be taken to ensure that no petroleum products, hydraulic fluid, fresh cement, sediments, sediment-laden water, chemicals, or any other toxic or deleterious materials are allowed to enter or leach into surface waters.

74. Project activities shall be conducted to minimize siltation.

75. Project activities shall not degrade water quality to the detriment of fish life.

76. If high flow conditions that may cause siltation are encountered during this project, work shall stop until the flow subsides.

FISH HANDLING PROVISIONS

77. Per email date May 2, 2011 Fish Handling may occur at the following locations: Channel E connection, Channel G connection, and in areas where fish exclusion measures or perimeter dike are overtopped by tides or flows.

78. Per email date May 2, 2011 Fish Exclusion (e.g., w/ block nets) will be used at: Perimeter ditch between channel E and D; Perimeter ditch between channel D and C; Perimeter ditch between channel G and B; Perimeter ditch between channel B and A; and installation of tide channel blocks or temporary access road features in channels A and B.

79. Fish capture and exclusion shall follow WSDOT Fish Exclusion Protocols and Standards except as modified below.

80. Fish shall be handled with extreme care and kept in water at all times during transfer procedures. A healthy environment for the stressed fish shall be provided. The transfer of fish shall be conducted using shaded or dark large buckets (five gallon minimum to prevent overcrowding) and minimal handling of fish. There should not be overcrowding in the buckets and holding time should be minimized. Large fish should be kept separated from smaller prey-sized fish to avoid predation during containment. The water temperature in the transfer buckets should not exceed the temperature of cold pool water in the subject stream. Retain fish the minimum time possible to ensure that stress is minimized, temperatures do not rise, and dissolved oxygen remains suitable. Supplemental oxygen (aeration) shall be considered in designing fish handling operations. Release fish as near as possible to the isolated reach in a pool or area that provides cover and flow refuge.

81. This HPA now supersedes all previous HPAs for this project.



HYDRAULIC PROJECT APPROVAL

RCW 77.55.021 - See appeal process at end of HPA

Coastal
48 Devonshire Road
Montesano, WA 98563
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Issue Date: December 16, 2013
Project Expiration Date: February 02, 2016

Control Number: 121776-7
FPA/Public Notice #: N/A

PROJECT LOCATIONS

Location #1 Pontoon Construction Site

WORK START: December 16, 2013				WORK END: February 02, 2016			
WRIA: 22.9000		Waterbody: Wria 22 Marine			Tributary to:		
1/4 SEC: NW 1/4	Section: 17	Township: 17 N	Range: 09 W	Latitude: N 46.9502	Longitude: W 123.8168	County: Grays Harbor	
<u>Location #1 Driving Directions</u>							

Location #2 Pontoon Storage Site

WORK START: December 16, 2013				WORK END: February 02, 2016			
WRIA: 22.9000		Waterbody: Wria 22 Marine			Tributary to:		
1/4 SEC: Center	Section: 99	Township: 99	Range: 99	Latitude: N 46.9244	Longitude: W 124.035	County: Grays Harbor	
<u>Location #2 Driving Directions</u>							

Location #3 Grass Creek Mitigation Site

WORK START: December 16, 2013				WORK END: February 02, 2016			
WRIA: 22.0135		Waterbody: Grass Creek			Tributary to: Grays Harbor		
1/4 SEC: NW 1/4	Section: 36	Township: 18 N	Range: 11 W	Latitude: N 47.0139	Longitude: W 122.8914	County: Grays Harbor	
<u>Location #3 Driving Directions</u>							

APPLY TO ALL HYDRAULIC PROJECT APPROVALS

This Hydraulic Project Approval pertains only to those requirements of the Washington State Hydraulic Code, specifically Chapter 77.55 RCW (formerly RCW 77.20). Additional authorization from other public agencies may be necessary for this project. The person(s) to whom this Hydraulic Project Approval is issued is responsible for applying for and obtaining any additional authorization from other public agencies (local, state and/or federal) that may be necessary for this project.



Issue Date: December 16, 2013

Control Number: 121776-7

Project Expiration Date: February 02, 2016

FPA/Public Notice #: N/A

This Hydraulic Project Approval shall be available on the job site at all times and all its provisions followed by the person(s) to whom this Hydraulic Project Approval is issued and operator(s) performing the work.

This Hydraulic Project Approval does not authorize trespass.

The person(s) to whom this Hydraulic Project Approval is issued and operator(s) performing the work may be held liable for any loss or damage to fish life or fish habitat that results from failure to comply with the provisions of this Hydraulic Project Approval.

Failure to comply with the provisions of this Hydraulic Project Approval could result in a civil penalty of up to one hundred dollars per day and/or a gross misdemeanor charge, possibly punishable by fine and/or imprisonment.

All Hydraulic Project Approvals issued under RCW 77.55.021 are subject to additional restrictions, conditions, or revocation if the Department of Fish and Wildlife determines that changed conditions require such action. The person(s) to whom this Hydraulic Project Approval is issued has the right to appeal those decisions. Procedures for filing appeals are listed below.

MINOR MODIFICATIONS TO THIS HPA: You may request approval of minor modifications to the required work timing or to the plans and specifications approved in this HPA. A minor modification to the required work timing means up to a one-week deviation from the timing window in the HPA when there are no spawning or incubating fish present within the vicinity of the project. You may request subsequent minor modifications to the required work timing. A minor modification of the plans and specifications means any changes in the materials, characteristics or construction of your project that does not alter the project's impact to fish life or habitat and does not require a change in the provisions of the HPA to mitigate the impacts of the modification. Minor modifications do not require you to pay additional application fees or be issued a new HPA. To request a minor modification to your HPA, submit a written request that clearly indicates you are requesting a minor modification to an existing HPA. Include the HPA number and a description of the requested change and send by mail to: Washington Department of Fish and Wildlife, PO Box 43234, Olympia, Washington 98504-3234, or by email to HPAapplications@dfw.wa.gov. Do not include payment with your request. You should allow up to 45 days for the department to process your request.

MAJOR MODIFICATIONS TO THIS HPA: You may request approval of major modifications to any aspect of your HPA. Any approved change other than a minor modification to your HPA will require issuance of a new HPA. If you paid an application fee for your original HPA you must include payment of \$150 with your written request or request billing to an account previously established with the department. If you did not pay an application fee for the original HPA, no fee is required for a change to it. To request a major modification to your HPA, submit a written request that clearly indicates you are requesting a major modification to an existing HPA. Include the HPA number, check number or billing account number, and a description of the requested change. Send your written request and payment, if applicable, by mail to: Washington Department of Fish and Wildlife, PO Box 43234, Olympia, Washington 98504-3234. If you are charging the fee to a billing account number or you are not subject to the fee, you may email your request to HPAapplications@dfw.wa.gov. You should allow up to 45 days for the department to process your request.

APPEALS INFORMATION

If you wish to appeal the issuance, denial, conditioning, or modification of a Hydraulic Project Approval (HPA), Washington Department of Fish and Wildlife (WDFW) recommends that you first contact the department employee who issued or denied the HPA to discuss your concerns. Such a discussion may resolve your concerns without the need for further appeal action. If you proceed with an appeal, you may request an informal or formal appeal. WDFW encourages you to take advantage of the informal appeal process before initiating a formal appeal. The informal appeal process includes a review by department management of the HPA or denial and often resolves issues faster and with less legal complexity than the formal appeal process. If the informal appeal process does not resolve your concerns, you may advance your appeal to the formal process. You may contact the HPA Appeals Coordinator at (360) 902-2534 for more information.



HYDRAULIC PROJECT APPROVAL

RCW 77.55.021 - See appeal process at end of HPA

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48 Devonshire Road
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FPA/Public Notice #: N/A

A. INFORMAL APPEALS: WAC 220-110-340 is the rule describing how to request an informal appeal of WDFW actions taken under Chapter 77.55 RCW. Please refer to that rule for complete informal appeal procedures. The following information summarizes that rule.

A person who is aggrieved by the issuance, denial, conditioning, or modification of an HPA may request an informal appeal of that action. You must send your request to WDFW by mail to the Washington Department of Fish and Wildlife HPA Appeals Coordinator, 600 Capitol Way North, Olympia, Washington 98501-1091; e-mail to HPAapplications@dfw.wa.gov; fax to (360) 902-2946; or hand-delivery to the Natural Resources Building, 1111 Washington St SE, Habitat Program, Fifth floor. WDFW must receive your request within 30 days from the date you receive notice of the decision. If you agree, and you applied for the HPA, resolution of the appeal may be facilitated through an informal conference with the WDFW employee responsible for the decision and a supervisor. If a resolution is not reached through the informal conference, or you are not the person who applied for the HPA, the HPA Appeals Coordinator or designee will conduct an informal hearing and recommend a decision to the Director or designee. If you are not satisfied with the results of the informal appeal, you may file a request for a formal appeal.

B. FORMAL APPEALS: WAC 220-110-350 is the rule describing how to request a formal appeal of WDFW actions taken under Chapter 77.55 RCW. Please refer to that rule for complete formal appeal procedures. The following information summarizes that rule.

A person who is aggrieved by the issuance, denial, conditioning, or modification of an HPA may request a formal appeal of that action. You must send your request for a formal appeal to the clerk of the Pollution Control Hearings Boards and serve a copy on WDFW within 30 days from the date you receive notice of the decision. You may serve WDFW by mail to the Washington Department of Fish and Wildlife HPA Appeals Coordinator, 600 Capitol Way North, Olympia, Washington 98501-1091; e-mail to HPAapplications@dfw.wa.gov; fax to (360) 902-2946; or hand-delivery to the Natural Resources Building, 1111 Washington St SE, Habitat Program, Fifth floor. The time period for requesting a formal appeal is suspended during consideration of a timely informal appeal. If there has been an informal appeal, you may request a formal appeal within 30 days from the date you receive the Director's or designee's written decision in response to the informal appeal.

C. FAILURE TO APPEAL WITHIN THE REQUIRED TIME PERIODS: If there is no timely request for an appeal, the WDFW action shall be final and unappealable.

ENFORCEMENT: Sergeant Nixon (42) P2

Habitat Biologist Amy Spoon	360-249-1228		for Director WDFW
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